

Idaho School for the Deaf and the Blind

Policies and Procedures

Section: 1200

Subsection: Suspension & Expulsion

Revised July 2005

Reference: Idaho Code 33-205
IDEA-Part B Section 615
SBOE Governing Policies & Procedures, Sec IV.D.6.

Purpose:

To establish guidelines for suspension, expulsion and re-admission of ISDB students.

Policy:

The Principal of ISDB may temporarily suspend any pupil for disciplinary reasons or for other conduct disruptive of good order or of the instructional effectiveness of the school.

Temporary suspension by the Principal shall not exceed five (5) school days. After informal or formal review of the situation, the Superintendent may extend the temporary suspension by ten (10) days. The Superintendent, upon determining that returning the suspended student to school would be detrimental to other students' health, welfare, or safety, may extend the temporary suspension an additional five (5) school days.

Procedure:

Prior to suspending any student, the building principal shall hold an informal hearing regarding the reasons for the suspension. The student will have an opportunity to challenge those reasons. These hearing procedures will conform to the minimum requirements of due process. Any student suspended from school may be readmitted by the Superintendent or the building principal upon finding reasonable conditions to do so.

The Superintendent may temporarily expel (deny attendance at ISDB), for an indefinite period, any pupil who is a habitual truant, or who is incorrigible, or whose conduct is such to be continuously disruptive of school discipline, or of the instructional effectiveness of the school, or whose presence in a public school is detrimental to the health and safety of other pupils. This action will only be made permanent after review and approval of the State Board. Once ratified by the Board, this decision will be communicated to the local school district that referred the student to ISDB and their IEP or 504 plan will be so amended.

No pupil shall be expelled nor denied enrollment without the Superintendent first providing written notice to the parent or guardian or the pupil (if over 18 years of age and an emancipated individual). This notice shall state the grounds for the proposed expulsion or denial of enrollment, the time and place (if known at that time) where the parent or guardian may appear to contest this action before the State Board. The student, parent or guardian shall also be notified of their rights to be represented by counsel (at their own expense), to produce witnesses and submit evidence on their own behalf, and to cross examine any adult witnesses who may appear against the student. If the time and place of this hearing is not known at the time of the initial notice, a subsequent written notice shall be provided when that information is available.

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All students identified as Special Education students will have discipline administered under the protections and guidelines consistent with the Idaho Special Education Manual and IDEA. For ISDB students who are suspended or expelled:

- ISDB will notify the LEA (Local Education Agency).
- If the student is suspended or expelled for becoming a threat to self or others, the LEA in which the student resides will then become responsible for FAPE (Free and Appropriate Education), and will thus provide all general and special education services for the student.
- A student enrolled in ISDB's campus program may be eligible under federal law to be placed in an interim alternative educational setting imposed by ISDB's Superintendent or a hearing officer. In that case, ISDB is responsible to provide FAPE.

Any student having been expelled may be re-admitted to the school by the Superintendent upon his/her determination that reasonable conditions now exist to do so; but such re-admission shall not prevent the Superintendent from again expelling the student any re-occurrence or for other cause. In addition, if the student seeking re-admission is a special education student, the student and parents/guardians must re-accomplish the IEP process with the LEA and ISDB to determine the most appropriate placement, and must obtain a new referral from the LEA.

Revised/Approved – July 2005

Harvey W. Lyter III, Interim Superintendent